

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Stephen Howard,

Case No. 3:24-cv-1393

Plaintiff

v.

ORDER

Major Carl Bendross, *et al.*,

Defendants

Plaintiff filed a *pro se* prisoner civil rights complaint in this case on July 18, 2024. (Doc. No. 1). On August 13, 2024, he paid the filing fee. His complaint was originally filed in the Southern District of Ohio, which transferred the action here.

To date, there is no indication on the docket that service of the complaint has been made upon any defendant.<sup>1</sup> Fed. R. Civ. P. 4(m) provides that “[i]f a defendant is not served within 90 days after the complaint is filed, the court— on motion or on its own after notice to the plaintiff— must dismiss the action without prejudice or order that service be made within a specified time.”

Because Plaintiff paid the filing fee in the case, service by the United States Marshal is not authorized by statute. Still, courts in this district have granted requests for service of process by the Marshal in some fee-paid cases where the plaintiff requests it and the plaintiff is incarcerated. *See, e.g., James Ed. Rivers v. Robert Semmens, et al.*, No. 1: 19-cv-1515 (N.D. Ohio); *see also* Fed. R. Civ. P. 4(c)(3).

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<sup>1</sup> Fed. R. Civ. P. 4(l)(1) states: “Affidavit Required. Unless service is waived, proof of service must be made to the court. Except for service by a United States marshal or deputy marshal, proof must be by the server's affidavit.”

By May 22, 2025, Plaintiff must show cause why this action should not be dismissed without prejudice for failure to perfect service of process. If Plaintiff wishes to request service by the Marshal, he should do so in writing and provide the Court with the necessary materials for such service no later than May 22, 2025. Specifically, he must provide one completed U.S. Marshal form, two completed summonses, and a complete copy of his pleadings for each defendant he seeks to sue in the case. The Clerk's Office is directed to send sufficient U.S. Marshal forms and summonses for this purpose to Plaintiff with this Order.

Plaintiff is notified that his action may be dismissed without further notice if he fails to comply with this Order.

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge